

REMARKS

Interview Summary

The applicant thanks the examiner for his comments during the telephonic interview with Mr. Kyle on November 8, 2006. Claim 1 of the present application was discussed, as was the interpretation of prior art patent, U.S. Patent No. 5,469,837 to Chiang. The discussion of the examiner's interpretation of the claim language pertaining to the tray during the interview has been helpful, as were the examiner's comments with respect to the interpretation of Chiang.

Final Office Action

A Request for Continued Examination has been filed along with this response. Each of the Examiner's rejections in the Final Office Action dated September 8, 2006 will be dealt with in turn.

Amendments to the Specification

Paragraphs [0031] and [0035] of the specification have been amended as set out above in order to provide a written description for what is shown in the drawings in relation to the tray 30. All amendments are fully supported by what is already shown in the Figures. Accordingly, the applicant submits that no new subject matter has been added.

Claims Rejections

35 U.S.C. 103(a) Rejection

In the Final Office Action, the Examiner takes the position that claims 1-8 and 10 are rejected as being unpatentable over U.S. Patent No. 5,469,837 issued to Chiang. The Examiner takes the position that Chiang shows all of the claimed limitations. Reconsideration is respectfully requested for the reasons set out below.

As discussed previously, the invention taught by Chiang is a kitchen range hood smoke exhauster equipped with a cleaning device. Housing 10 has an opening 11 and a motor 12 and a fan 13 disposed in the opening. An annular tray 20 is connectable to the opening 11 for collecting fluids draining down from the housing 10. The annular nature of the tray 20 allows air to be drawn in through the opening in the tray (and opening 11) and into housing 10. A grill 30 having a basin 31 is connected to the annular tray 20. A container 40 connects to the basin 31 and has a drain hole 41 that can be plugged in order to collect fluid that drains through the apertures 35 of the basin 31 when the fluid system is activated.

The present invention is much different than that taught in Chiang. Rather than draw in air from directly below the fan, the present invention uses a tray having a planar floor and a perimeter wall having inlet openings in it to draw in air laterally from about the bottom of the range hood. The floor of the tray acts to block air directly below the fan – air can only enter through the inlet openings which are located in the perimeter side wall (see paragraph [0036]).

Claim 1 of the present invention has a limitation stating “a tray having a perimeter side wall, a floor and a drainage hole”. The examiner has broadly interpreted grill 30 as the side wall of the tray, container 40 as the floor, and drain hole 41 as the drainage hole. While the pending claims must be given their broadest reasonable interpretation, this

must be done in light of the specification as it would be interpreted by one of ordinary skill in the art. It is respectfully submitted that one skilled in the art would not equate a tray having a wall and floor as equivalent to a container, grill and annular tray. However, in an effort to clearly distinguish claim 1 of the present invention over the teachings in Chiang, Claim 1 has been amended as follows:

a unitary tray having a perimeter side wall, a planar floor and a drainage hole, said perimeter side wall extending upwards from the outer perimeter of said floor, at least one air inlet opening being located in said perimeter side wall, said tray being releasably connected to and in abutment with said motor housing such that said planar floor is located below said opening in said bottom surface, said tray being sized to be at least as large as said opening in said bottom surface;

It is respectfully submitted that Chiang does not teach the tray of claim 1. Nowhere does Chiang teach a tray having a planar floor and a perimeter side wall extending upwards from the outer perimeter of the floor with at least one air inlet in said perimeter side wall that also has the other limitations of claim 1. Accordingly, it is respectfully submitted that claim 1 is patentable over Chiang.

The remaining claims 2-8 and 10 are ultimately dependent on claim 1 and it is submitted that they are therefore also allowable. Nevertheless, claims 2 and 3 have been amended in order to further clarify the present invention. Claim 2 has been amended to add that “said perimeter side wall of said tray projects through an opening in said bottom panel”. The examiner has interpreted grill 30 as a “side wall”. Grill 30 does not project through the opening 11 in bottom panel 10 – it is either secured to the bottom panel 10 (see column 2, lines 36-38 and Figs. 1-5) or connected to three retaining devices 25 which extend through apertures 24 in tray 20 such that grill 30 is suspended below tray 20. In neither of these embodiments does the grill 30 project through the opening 11 in the bottom panel 10. Accordingly, it is respectfully submitted that claim 2 is allowable over Chiang.

Claim 3 has also been amended to clarify that "said perimeter side wall extending from said floor and terminates in an annular ring, said annular ring connecting to said motor housing and having a horizontal portion extending radially inward so as to be positioned below a portion of said fan, said horizontal portion terminating in a downwardly extending edge." Chiang does not teach this limitation. Chiang teaches a grease tray (annular tray 20), which the examiner has interpreted as the annular ring of the present invention. Chiang's annular tray is comprised of three walls and a floor – there is no downwardly extending edge. Accordingly, the applicant respectfully submits that claim 3 is allowable over Chiang.

The Examiner has also rejected claim 9 as being obvious in view of Chiang. Claim 9 is a dependent claim and for the reasons set out above it is respectfully submitted that it is also allowable over Chiang.

CONCLUSION

In view of the above, the Applicant submits that the claims are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case. Should the Examiner have any questions related to the application, he is urged to contact applicant's attorney, C. Larry Kyle, at (604) 376-2490. Please note that our new docket number is 50075-42.

Date: December 8, 2006

Respectfully submitted,



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